

REMARKS

Claims 1, 5, 7, 9-10, 13-14, 18, 20, 22-23, 37-38, 41, 43, 45-46, 49-51, 53-56, 58-59, and 61-62 are currently pending. Claim 52 has been withdrawn from consideration by the Examiner. Claims 2-4, 6, 8, 11-12, 15-17, 19, 21, 24-36, 39-40, 42, 44, 47-48, 57, 60 and 63-86 have been canceled. Claims 1, 13, 37 and 49 have been amended.

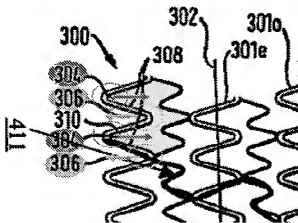
Claims 1, 13 and 37 have been amended to recite that each cell formed by the joining of first loop containing sections (alternatively described as first circumferential bands) with second loop containing sections (alternatively described as second circumferential bands) consists essentially of one loop of the first section or band and three loops of the second section or band, each said loop opening toward the inside of the cell. Claim 49 has been amended to recite that each cell consists essentially of four loops, formed by eight separate members as described therein, each said loop opening toward the inside of the cell. Support for these amendments is found throughout the specification, including specifically paragraphs [0024] and [0065] and Figures 17A - 17F.

No new matter is introduced by these amendments and the amendments are supported by the instant specification.

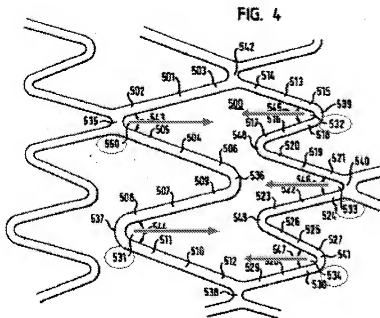
Response to Rejection Under 35 U.S.C. §102(e) Based on Jayaraman

Claims 1, 5, 9-10, 13, 18, 22-23, 26, 29, 32-33, 36-37, 41 and 45-46 have been rejected under 35 U.S.C. §102(e) as anticipated by U.S. 6,162,245 (Jayaraman). Applicant respectfully disagrees with and traverses this rejection.

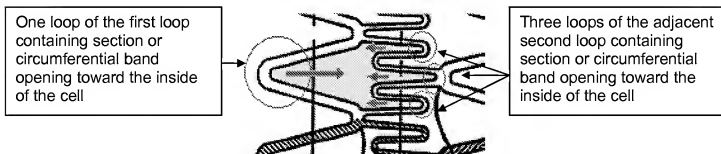
Independent claims 1, 13 and 37 recite a stent comprising first loop containing sections or circumferential bands and second loop containing sections or circumferential bands, joined together to form cells. Each cell consists essentially of one loop of the first section or band and three loops of the second section or band, said loops opening toward the inside of the cell. The transitional phrase "consisting essentially of" limits the scope of a claim to the specified elements "and those that do not *materially* affect the basic and novel characteristic(s)" of the claimed invention. *In re Herz*, 537 F.2d 549, 551-52, 190 USPQ 461, 463 (CCPA 1976) (emphasis in original); *see also* MPEP §2111.03. The direction of a loop's opening is understood with reference to paragraph [0024], which describes "left opening loop 306" and "right opening loop 304" with reference to Figure 3, illustrated as follows:



As shown, loops 304 (red) open to the right, or toward the inside of the highlighted cell (yellow), whereas loops 306 (green) open to the left. In addition, the specification describes these same loops as directed to the inside of the cell ([see](#) paragraph [0031]), as further illustrated by Figure 4 as follows:

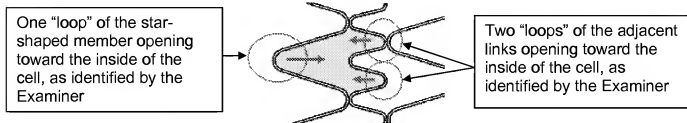


Thus, with reference to the loops recited by the present claims, the cells formed by the first loop containing sections or circumferential bands and the second loop containing sections or circumferential bands have a 1:3 ratio of loops opening toward the inside of the cell, illustrated by Figure 17A as follows:



By contrast, Jayaraman does not teach or suggest a stent having cells consisting essentially of one loop of a first band and three loops of an adjacent second band. Rather, Jayaraman discloses a stent-graft formed by the combining of “star-shaped members” with “links” that “link each [star-shaped] member together”, according to the specification of the patent with reference to Figure 30. (Jayaraman, 5:11-15.) The

configuration thus disclosed by Jayaraman, as shown below in Figure 30 cited by the Examiner, can at best be described as forming structures having a 1:2 ratio between the "loop" of the "star-shaped member" and the two "loops" of the adjacent "links":



Because Jayaraman does not teach or suggest a cell formed of one loop of a first loop containing section or circumferential band and three loops of a second loop containing section or circumferential band, Jayaraman cannot anticipate claims 1, 5, 9-10, 13, 18, 22-23, 37, 41, and 45-46. Claims 26, 29, 32-33 and 36 have been canceled; therefore, the rejection as to these claims is moot.

Applicant further notes that, although the Examiner asserts that Jayaraman describes "strut AED is wider than struts AB, BC, CD" wherein further "strut BC is shorter than struts AB and CD", neither Figure 30 cited by the Examiner nor any other figure or the specification of Jayaraman teaches or suggests such features. Nowhere in the Jayaraman reference is a teaching or suggestion that stent members of the low frequency bands may be wider than struts of the high frequency bands. Therefore, Jayaraman also cannot anticipate claims 9-10, 22-23 and 45-46 on said grounds.

Finally, claims 7, 14, 20, 31, 38 and 43 have been rejected as anticipated by or, in the alternative, under 35 U.S.C. § 103(a) as obvious under Jayaraman. Applicant respectfully disagrees with and traverses this rejection. As stated above, because

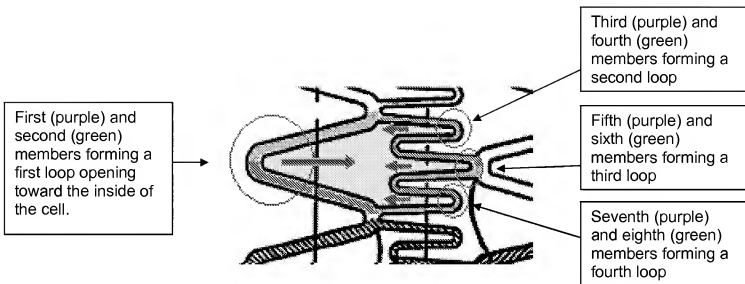
Jayaraman does not teach or suggest a stent formed by cells consisting essentially of one loop of a first loop containing section or circumferential band and three loops of a second loop containing section or circumferential band, Jayaraman cannot anticipate dependent claims 7, 14, 20, 38, and 43 regardless of the characteristics of the Jayaraman stent in a crimped configuration. Lastly, claim 31 has been canceled; therefore, the rejection of this claim is moot.

Reconsideration and withdrawal of the rejections under 35 U.S.C. §102(e), or in the alternative under 35 U.S.C. §103(a), as to the present claims 1, 5, 7, 9-10, 13-14, 18, 20, 22-23, 37-38, 41, 43 and 45-46 are respectfully requested for the above reasons.

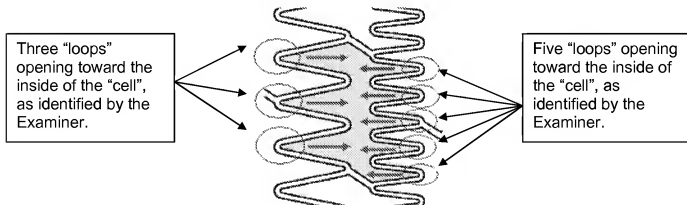
Response to Rejection Under 35 U.S.C. §102(e) Based on Brown

Claims 49, 53-56, 58 and 61-62 have been rejected under 35 U.S.C. §102(e) as anticipated by U.S. 7,204,848 (Brown). Applicant respectfully disagrees with and traverses this rejection.

Claim 49 recites a stent comprising a plurality of cells, each of said cells consisting essentially of four loops opening toward the inside of the cell, wherein said loops are formed by an arrangement of eight members having curved ends with a substantially linear portion in between, as illustrated in Figure 17A below:



Brown, by contrast, describes a stent formed by first and second “band-like elements” that are “interconnected via a plurality of interconnecting elements”. (Brown, 5:36-63.) The alleged “cell” as identified by the Examiner in Brown does not consist essentially of four loops created by eight members. Rather, the “cells” taught by Brown have a varying number of loops opening toward the inside of the cell, ranging from six to eight or more, as shown below in Figure 2 cited by the Examiner:



Thus, because Brown does not teach or suggest a stent having cells consisting essentially of four loops opening toward the inside of the cell formed by eight members, Brown cannot anticipate claims 49, 55-56, 58, and 61-62.

Finally, claim 59 has been rejected under 35 U.S.C. §102(e) as anticipated by or, in the alternative, under 35 U.S.C. §130(a) as obvious over Brown. Applicant respectfully disagrees with and traverses this rejection. As stated above, because Brown does not teach or suggest a stent having cells consisting essentially of four loops opening toward the inside of the cell formed by eight members, Brown cannot anticipate dependent claim 59 regardless of the characteristics of the Brown stent in a crimped configuration.

Reconsideration and withdrawal of the rejections under 35 U.S.C. §§102(e) and 103(a) as to the present claims 49, 53-56, 58-59 and 61-62 are respectfully requested for the above reasons.

Response to Rejection Under 35 U.S.C. §103(a) Based on Brown

Claims 50-51 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Brown. Applicant respectfully disagrees with and traverses this rejection. As stated above, Brown does not teach or suggest a stent having cells consisting essentially of four loops opening toward the inside of the cell formed by eight members. Modifying the lengths of the alleged "members" of the Brown stent as identified by the Examiner does not remedy this deficiency in Brown; therefore, Brown cannot render dependent claims 50-51 obvious.

Reconsideration and withdrawal of the rejections under 35 U.S.C. §103(a), as to the present claims 50-51 are respectfully requested for the above reasons.

CONCLUSION

Based on the foregoing amendments and remarks, applicant respectfully requests reconsideration and withdrawal of the rejections of the pending claims and requests allowance of this application.


AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 50-4387, Order No. 92077.003.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 50-4387, Order No. 92077.003.

Respectfully submitted,
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